

REMARKS

The Section 102 Rejections

Claims 1 and 4-7 were rejected under 35 U.S.C. §102(e) as being anticipated by Bevan et al., U.S. Patent No. 6,489,923 ("Bevan"). Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Each of the claims of the present invention, including claims 1 and 4-7, require the determination of "the bearing of a received signal associated with a best path to a quasi-stationary source of the received signal in accordance with the phase thereof." It is respectfully submitted that Bevan does not disclose or suggest such a determination.

Bevan discloses a technique for determining a direction of a moving mobile device. It has nothing at all to do with the determination of a bearing of a received signal in accordance with the phase thereof in order to determine a best signal path in a wireless communication system, as in the claims of the present invention. Said another way, the "bearing" information which is determined by the present invention is used to determine the best path to a substantially stationary or quasi-stationary transmitter; it is not used to determine the position of a particular mobile device.

In sum, Bevan does not disclose each and every element of claims 1 and 4-7. Accordingly, Applicant respectfully submits that Bevan cannot anticipate

claims 1 and 4-7 of the present invention. Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1 and 4-7.

The Section 103 Rejections

Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bevan in view of Schuchman et al., U.S. Patent No. 6,148,195 ("Schuchman"). In addition, claims 8-17, 20 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bevan in view of Borrás et al., U.S. Patent No. 5,303,240 ("Borrás") and in further view of Sole et al., U.S. Patent No. 6,150,987 ("Sole"). Finally, claims 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bevan in view of Borrás, in view of Sole and further in view of Schuchman. Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Applicant notes that each of these claims requires the determination of "the bearing of [a] received signal associated with a best path to a quasi-stationary source of the received signal in accordance with the phase thereof." As indicated above, Bevan does not disclose or suggest such a feature. In addition, Applicant respectfully submits that none of the additional references discloses or suggests such a feature. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not be motivated to combine Bevan with any of the references because doing so would not result in a method as in claims 8-21, i.e., one that determines the bearing of a received signal associated with a best path to a quasi-stationary source of the received signal

in accordance with the phase thereof in order to determine a best path in a substantially stationary or quasi-stationary communications network.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 8-21.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

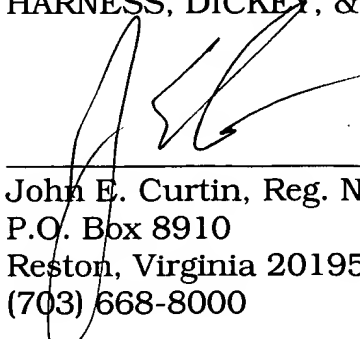
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By



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